

COPY

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket No.SRPD 00/01
)	NNS-2055
Haro's Metal Finishing, Inc.)	Stipulation and Order
439 Reynolds Circle)	
San Jose, California 95112-1104)	Health and Safety Code
)	Section 25187
CAD981577018)	
)	
Respondent.)	

The State Department of Toxic Substances Control (Department) and Haro's Metal Finishing, Inc. (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the following violation as noted in the Summary of Violation issued by the Department on August 15, 2000, a copy of which is attached as Exhibit A:

Respondent violated Health and Safety Code, section 25200.14(b) in that Respondent failed to submit a Phase I Environmental Assessment by January 01, 1997.

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety Code (HSC) section 25187.

4. Respondent waives any right to a hearing in this matter.

5. This Order shall constitute full settlement of the violation alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. SCHEDULE FOR COMPLIANCE

6.1. Respondent submitted a Phase I Environmental Assessment (Phase I Checklist) with the Department as required by HSC section 25200.14(b)(1) on September 15, 2000.

6.2. Respondent shall send two employees to attend the California Compliance School to complete hazardous waste training Modules I, II, III, IV and V. Respondent must submit, for the two employees, Certificates of Satisfactory Completion issued by the California Compliance School, to the Department within 185 days of the effective date of this Order. The Certificates of Satisfactory Completion shall be submitted to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

PAYMENTS

7.1. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$2000.00 as reimbursement of the Department's enforcement costs. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall identify the Respondent and Docket Number as shown in the heading of this case. Respondent shall submit the payment together with a copy of this Order to:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

7.2. If Respondent fails to submit the Certificates of Satisfactory Completion as required in Section 6.2 above, Respondent shall pay the Department an additional \$2,000.00 as penalty within 30 days after the expiration of the 185-day period. The payment of the additional \$2,000.00, together with a copy of this Order, shall be sent to:

Department of Toxic Substances Control
Accounting Office
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Lawrence Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

If Respondent fails to submit the Certificates of Satisfactory Completion and fails to make the additional payment as provided above, Respondent agrees to pay interest at the rate established pursuant to HSC § 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

8. The effective date of this Order is the date it is signed by the Department.

Dated: 2/8/01

Estanislao T. Haro
Signature of Respondent's
Representative

Estanislao T. Haro
Typed or Printed Name and Title of
Respondent's Representative

Dated: 2/14/01

Lawrence S. Wong
Lawrence S. Wong, Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances
Control